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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,870	01/30/2004	Yoko Hirotsugi	00862.023427.	4094
5514 7590 06/11/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
UHLENHAKE, JASON S				
ART UNIT		PAPER NUMBER		
2853				
MAIL DATE		DELIVERY MODE		
06/11/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/766,870

Applicant(s)

HIROSUGI ET AL.

Examiner

JASON S. UHLENHAK

Art Unit

2853

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36, 37, 44, 45, 52, 53 and 60-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36, 37, 44, 45, 52, 53 and 60-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 36-37, 44-45, 52-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Morisaki et al (U.S. Pub. 2003/053104).

Morisaki discloses:

- ***regarding claims 36, 44, 52***, a storage unit for storing a print setting that contains a type and/or size of a print medium included in received printing data and a printing unit for printing the received printing data (Paragraphs 0047, 0056)

- a generation unit for generating printing data (Paragraph 0010; 0051-0054); an acquisition unit for acquiring the print setting designated in previous print processing, which is stored in the storage unit (Paragraphs 0059-0061); a determining unit for determining whether or not the print setting of the previous print processing, which is acquired by the acquisition unit agrees with a print setting of the present print processing (Paragraphs 0061, 0075)

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- a processing unit for transmitting the generated printing data if agreement is determined by the determination unit, and alerting if non-agreement is determined by the determination unit (Paragraphs 0061-0062)

- **regarding claims 37, 45, 53**, processing unit transmits the generated printing data if agreement is determined by the determination unit, alerts if non-agreement is determined by the determination unit, transmits the generated printing data if print continuation is designated, and ends printing if non-continuation of printing is designated (Paragraph 0061)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 60-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morisaki et al (U.S. Pub. 2003/053104) in view of Hagiwara et al (U.S. Pat. 6,944,428)

Morisaki does not disclose expressly the following:

- **regarding claims 60-65**, wherein the acquisition unit acquires the print setting from the printer if a present user is different from a previous user, and wherein the acquisition unit does not acquire the print setting from the printer if a present user is the same user as a previous user

Hagiwara discloses:

- **regarding claims 60-65**, wherein the acquisition unit acquires the print setting from the printer if a present user is different from a previous user, and wherein the acquisition unit does not acquire the print setting from the printer if a present user is the same user as a previous user (Column 3, Lines 5-31; Column 18, Lines 26-41), for the purpose of storing functions which are frequently used by the user and are registered as a shortcut (Column 14, Lines 5-8)

It would have been obvious to one having ordinary skill in the art to display and select an appropriate user to switch to customized settings (acquires print settings), else after a predetermined time the switch is canceled and the settings will stay the same (does not acquire print setting) as taught by Hagiwara. This would give the users more control and the ability to customize the print settings according to the print job. Therefore it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Hagiwara into the device of Morisaki, for the purpose of generating optimal images on specific type of incoming media without requiring bothersome user intervention and storing functions which are frequently used by the user and are registered as a shortcut

Response to Arguments

Applicant's arguments with respect to claims 36-37, 44-45, 52-53, 60-65 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Uhlenhake whose telephone number is (571) 272-5916. The examiner can normally be reached on Monday - Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JASON S UHLENHAKE/
Examiner, Art Unit 2853
June 6, 2008

/Julian D. Huffman/
Primary Examiner, Art Unit 2853